Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the Commission's Part 90 Rules in	)	
the 904-909.75 and 919.75-928 MHz Bands	)	WT Docket No. 06-49
	)	
	)	

To: The Commission

COMMENTS OF THE ALARM INDUSTRY COMMUNICATIONS COMMITTEE

The Alarm Industry Communications Committee ("AICC"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, hereby files its comments in the above-referenced *Notice of Proposed Rulemaking* ("NPRM"). The NPRM seeks comments on its proposal to reexamine the Commission's regulations governing the licensing and use of frequencies in 904-909.75 MHz and 919.75-928 MHz band as a result of petition for rule making filed by Progeny LMS, LLC (Progeny). The NPRM seeks comment on whether it would be beneficial to the public to grant greater flexibility to Multilateration Location Monitoring Service (M-LMS) licensees to respond to market conditions.

Statement of Interest

AICC is comprised of representatives of the Central Station Alarm Association (CSAA)[1], National Burglar & Fire Alarm Association (NBFAA), the Security Industry Association (SIA),[2] Bosch Security Systems, Digital Monitoring Products, Digital Security Control, Telular, HSM (formerly known as Honeywell Monitoring), Honeywell Security, Vector Security, Inc., ADT Security Services, Inc., AES- IntelliNet, GE Security, and Security Network of America. NBFAA, and CSAA representing the alarm dealer segment, have 2434 member companies providing alarm service to the public. AICC member companies protect a wide range of sensitive facilities and their occupants from fire, burglaries, sabotage and other emergencies. Protected facilities include government offices, power plants, hospitals, dam and water authorities, pharmaceutical plants, chemical plants, banks, schools and universities. In addition to these commercial and governmental applications, alarm companies protect an increasing number of residences and their occupants from intruders, burglary and fire. Alarm companies also provide medical alert services for obtaining ambulances in the event of medical emergencies. Currently, there are approximately 26 million central station alarm systems installed in homes and businesses in the United States, and an estimated 20 million homes in the United States and their occupants are protected by such systems.

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[1] CSAA is a trade association that represents companies providing central station electrical protection services that are certified by the Underwriters Laboratories ("UL"),[1] Factory Mutual, and similar risk-rating agencies. The Commission recognizes CSAA as a frequency coordinator for the private land mobile frequencies available under Part 90 of the Commission's Rules.

[2] CSAA, NBFAA and SIA are associations comprised of central station alarm companies, alarm monitoring centers, alarm installation companies and alarm manufacturing companies. Their memberships represent the majority of such companies operating in the United States.

Over the past 20 years, the public has increasingly relied on private security services for fire, burglary and medical alert protection as the services of local law enforcement agencies' resources have become increasingly strained.

AICC member companies use radio units installed at the customer premises as either the primary or backup medium for the transmission of signals to the central station alarm monitoring center. Use of wireless monitoring links has become widespread because a burglar or arsonist will, if possible, cut the telephone line leading from the premises in an attempt to disable any alarm system, since the telephone line has traditionally been used to transmit the signal. In many instances, insurance companies require alarm companies to utilize two methods of monitoring protected premises, especially in the case of businesses and sensitive facilities that could become the target of terrorist attacks or other life threatening events. For commercial installations, Underwriters Laboratories and the National Fire Code (NFPA 72) require two communications paths. Insurance companies impose this requirement on alarm system users to meet the Code. Citizens can even carry with them a wireless "panic button" that will summon the police on a priority basis in the event of an emergency. While the alarm industry has a limited number of Part 90 radio frequencies available for alarm signaling, AICC members also operate numerous unlicensed transmitters under Part 15 of the Commission's rules to send alarm signals from various locations within protected premises to a central receiver, from which point the alarm signal is sent to the alarm monitoring station by means of the high power licensed transmitter. These in-house, unlicensed transmitters often operate in the 902-928 MHz band.

Once the central station receives a signal indicating a fire, break-in or medical emergency, personnel stationed there contact the appropriate local emergency responders. Thus,

AICC member companies are engaged in the provision of public safety support services. In view of the fact that AICC member companies employ radio alarm units operating in the 902-928 MHz band as part of their central station alarm infrastructure, AICC and its members have an interest in the rule changes proposed in the instant proceeding.

The Commission Should Retain the 902-928 MHz Safe Harbor Table

Progeny has stated that the current restrictions on M-LMS operations have prevented licensees and manufacturers from developing services, and equipment required for such services, that could be offered in this spectrum. Progeny has asked the Commission to modify or eliminate: (1) the LMS spectrum cap, to allow a single licensee to hold all LMS licenses in an EA; (2) the restriction on real-time interconnection with the public switched telephone network; (3) the restriction on types of communications or services that LMS operators may provide; and (4) the safe harbor provision that creates a presumption of non-interference for secondary users of the band. *See* March 5, 2002 Petition for Rulemaking of Progeny LMS, LLC ("Progeny PFR") at pp. 21-27.

AICC does not oppose the first three prongs of Progeny's proposal. However, AICC must object to Progeny's request for elimination or modification of the safe harbor table for secondary users of the band. In adopting the safe harbor table, the Commission, after a careful study of the extensive record in the proceeding, concluded that the safe harbor approach appropriately balances the interests of the various parties sharing the 902-928 MHz band, so as to limit the potential for harmful interference. *See* Amendment of Part 90 of the Commission's Rules to Adopt regulations for Automatic Vehicle Monitoring Systems, *Order on Reconsideration*, PR Dockent No. 93-61, 11 FCC Rcd 16905 (1996). While Part 15 devices may

not cause harmful interference to and must accept interference from all other operations in the band, the safe harbor table provides that Part 15 devices conforming to certain technical standards are insulated from complaints that such devices cause harmful interference to M-LMS systems. NPRM at para. 9.

Progeny has acknowledged that the vast majority of Part 15 devices do not represent an interference problem to LMS operations. *See* Progeny PFR at p. 28. Nor has it provided any evidence that the safe harbor regulations have frustrated its attempts to establish M-LMS systems. Progeny contends that the elimination of the safe harbor table will give investors greater confidence in a service such as LMS. AICC believes that granting LMS operators greater flexibility in the types of services that an LMS licensee may provide, and the elimination of the spectrum cap, will encourage investment in LMS systems if the public desires such service. It is respectfully submitted that the Commission should not risk destroying the successful utilization of the 902-928 MHz band by millions of devices that serve public safety and other important needs, in the mere hope that it will provide greater comfort to potential investors in an untried technology. Progeny has provided no evidence that the Commission's original concerns about preventing disruption to existing users, such as Part 15 devices and amateur radio licensees, are no longer relevant. Nor has Progeny offered anything but its unsubstantiated "belief" that eliminating the safe harbor will comfort investors.

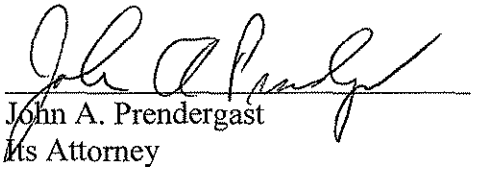
Conclusion

In light of the foregoing, AICC supports the Commission's tentative conclusion to retain the safe harbor table in Section 90.361 of its rules, so as to facilitate the continued use of the

902-928 MHz band by low power devices; and AICC urges the Commission to implement that decision.

Respectfully Submitted,

ALARM INDUSTRY COMMUNICATIONS COMMITTEE

By 

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